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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. 2:04-cr-0357 MCE
12 Plaintiff,) MOTION AND ORDER
13 v.) DISMISSING INDICTMENT
14 LOUIS RUSSO,)
15 Defendant.)
16

17 The United States of America, by and through its undersigned
18 attorney, Kymberly A. Smith, Assistant United States Attorney of
19 the Eastern District of California, respectfully requests the
20 Court to dismiss, without prejudice, the above-captioned
21 indictment on LOUIS RUSSO. This motion is made pursuant to the
22 provisions of Rule 48(a) of the Federal Rules of Criminal
23 Procedure.

24 DATED: January 17, 2006

McGREGOR W. SCOTT
United States Attorney

25 By: /s/ Kymberly A. Smith
26 KYMBERLY A. SMITH
27 Assistant U.S. Attorney

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O R D E R

IT IS HEREBY ORDERED THAT the above-captioned Indictment against LOUIS RUSSO, be and the same hereby is DISMISSED without prejudice.

DATED: January 25, 2006


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE